

**REMARKS**

Claims 1-20 and 22-42 have been examined on their merits, and are all the claims presently pending in the application.

1. Claims 1-20 and 22-42 stand rejected under 35 U.S.C. § 112 (2<sup>nd</sup> para.) as allegedly being indefinite. Applicants traverse the § 112 rejection of claims 1-20 and 22-42 for at least the reasons discussed below.

The Patent Office argues that independent claims 1, 4, 10, 18, 28, 39 and 40 recite the phrase “the customer” and it is unclear if this phrase refers to the “first customer” or the “at least one other customer.” Applicants herein amend claims 1, 3, 4, 8-10, 12-19, 24-29, 39, 40 and 42 to clarify the distinction between the first customer and the at least one other customer. Applicants submit that the § 112 rejection of claims 1-20 and 22-42 has been overcome, and respectfully request reconsideration and withdrawal of same.

2. Claims 1-20 and 22-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Postrel (U.S. Patent No. 6,594,640) in view of Millard *et al.* (U.S. Patent Publication No. 2002/0007335 A1). Applicants traverse the § 103(a) rejection of claims 1-20 and 22-42 for at least the reasons discussed below.

The combination of Postrel and Millard *et al.* fails to teach or suggest at least the exchange of trading points between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points, as

well as several other features recited in claim 1. The Patent Office alleges that the combination of Postrel and Millard *et al.* discloses carrying out a request to trade trading points between a first customer and at least one other customer at a transaction processor, and the Patent Office cites col. 1, lines 22-26 and col. 5, lines 61-67 of Postrel as evidence of such teaching. While the cited text at col. 1, lines 22-26 of Postrel discloses the purchase of points, Postrel clearly states that the “system would also allow for purchase by users of points *traded in* by other users....” In other words, the combination of Postrel and Millard *et al.* discloses that the users can purchase additional points *subsequent* to their redemption by other users. There is no teaching or suggestion in the cited text that the purchase of the points occurs prior to their redemption by other users. Moreover, there is no teaching or suggestion in the cited text that any sort of exchange, without prior redemption, occurs between customers. With respect to the disclosure at col. 5, lines 61-67 of Postrel, Applicants submit that this is cumulative of the citation at col. 1, lines 22-26. The cited passage discusses the repurchase of points from issuers, and not the trading of points between customers.

In addition, the combination of Postrel and Millard *et al.* lacks any teaching or suggestion of an exchange of different types of trading points between customers. Although the Patent Office alleges that col. 6 of Postrel teaches the exchange of trading points between two customers, in actuality the combination of Postrel and Millard *et al.* teaches the aggregation of reward points, which are stored in different accounts all belonging to the same customer, for the purpose of redemption. For example, col. 6, lines 12-45 of Postrel discuss the initiation of a redemption request by a trading server that contacts an airline reward server to redeem a

customer's points. However, col. 6, lines 53-67 of Postrel are clear that other reward servers (all of which have accounts for the identical customer) are contacted for point aggregation purposes, and the points stored therein are used for redemption as well. It is clear that the different types of points disclosed in the combination of Postrel and Millard *et al.* are aggregated together for redemption purposes. There is no teaching or suggestion in the combination of Postrel and Millard *et al.* that the different types of trading points are exchanged, for example, between various customers of the credit card reward server (12), the airline reward server (10) and the marketing reward server (14). Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck*.

Applicants submit that one of skill in the art would not be motivated to combine Postrel with Millard *et al.* Although Millard *et al.* discloses the generation of revenues from transaction processing, neither reference teaches or suggests the exchange of trading points between customers (as opposed to the exchange of points between an issuer and customer) nor does either reference teach or suggest trading different types of points between two or more customers. Since there is at least no teaching or suggestion of exchanging of different types of trading points between customers, then there can be no motivation to combine the two references. Thus, Applicants submit that the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko*.

Based on the foregoing reasons, Applicants submit that the combination of Postrel and Millard *et al.* fails to teach or suggest all of the claimed elements as arranged in claim 1. Thus, Applicants submit that claims 1 is allowable, and further submit that claims 2 and 3 are

allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1-3.

With respect to claim 4, Applicants submit that claim 4 is allowable for at least reasons analogous to those discussed above for claim 1, in that the combination of Postrel and Millard *et al.* fails to teach or suggest fails to teach or suggest at least the exchange of trading points between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points. Thus, Applicants submit that claim 4 is allowable, and further submit that claims 5-9 are allowable as well, at least by virtue of their dependency from claim 4. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 4-9.

With respect to claim 10, Applicants submit that claim 10 is allowable for at least reasons analogous to those discussed above for claim 1, in that the combination of Postrel and Millard *et al.* fails to teach or suggest fails to teach or suggest at least the exchange of trading points between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points. Thus, Applicants submit that claim 10 is allowable, and further submit that claims 11-17 are allowable as well, at least by virtue of their dependency from claim 10. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 10-17.

With respect to claim 18, Applicants submit that claim 18 is allowable for at least reasons analogous to those discussed above for claim 1, in that the combination of Postrel and Millard *et al.* fails to teach or suggest fails to teach or suggest at least the exchange of trading points

between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points. Thus, Applicants submit that claim 18 is allowable, and further submit that claims 19-27 are allowable as well, at least by virtue of their dependency from claim 18. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 18-27.

With respect to claim 28, Applicants submit that claim 28 is allowable for at least reasons analogous to those discussed above for claim 1, in that the combination of Postrel and Millard *et al.* fails to teach or suggest fails to teach or suggest at least the exchange of trading points between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points. Thus, Applicants submit that claim 28 is allowable, and further submit that claims 29-38 are allowable as well, at least by virtue of their dependency from claim 28. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 28-38.

With respect to claims 39 and 40, Applicants submit that claims 39 and 40 are allowable for at least reasons analogous to those discussed above for claim 1, in that the combination of Postrel and Millard *et al.* fails to teach or suggest fails to teach or suggest at least the exchange of trading points between two customers, wherein the exchange comprises one type of trading points being exchanged for a monetary equivalent or a second type of trading points. Thus, Applicants submit that claims 39 and 40 are is allowable, and further submit that claims 41 and 42 are allowable as well, at least by virtue of their dependency from claim 40. Applicants

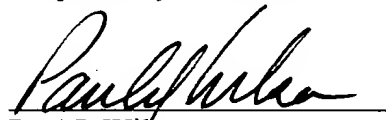
AMENDMENT UNDER 37 C.F.R. § 1.111  
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respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 39-42.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Paul J. Wilson  
Registration No. 45,879

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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